

Alan Dixon

FCC 96-326

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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AUG 29 1996

FCC MAIL ROOM

In the Matter of)

)

Guidelines for Evaluating the)

ET Docket No. 93-62

Environmental Effects of)

Radiofrequency Radiation)

DOCKET FILE COPY ORIGINAL

PETITION FOR RECONSIDERATION

Submitted: August 28, 1996

Whereas the licensed Amateur Radio Service is predicated upon self-training by duly authorized persons solely with a personal aim and without pecuniary interest (47 CFR §97.3(4)), and

Whereas the Amateur Radio Service has its basis in the recognition and enhancement of the value of its service to the public as a voluntary non-commercial communications service (47 CFR §97.1(A)), and

Whereas the Amateur Radio Service has as a stated purpose the continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art (47 CFR §97.1(b)), and

Whereas an examination tested, licensed control operator is responsible at all times for transmissions from an amateur station (47 CFR §§97.7, 97.103, 97.105), and

Whereas each amateur station must be operated in accordance with good engineering and good amateur practice (47 CFR §97.101(a)), and

Whereas amateur station transmissions must occupy no more bandwidth than necessary for the communications mode used (47 CFR §97.307(a)), and

Whereas amateur stations must use the minimum transmitter power necessary to carry out the desired communications (47 CFR §97.313(a)), and

Whereas amateur stations have been and remain authorized to transmit with power levels up to 1500 watts PEP when conditions warrant (47 CFR §97.313(b)), and

Whereas Congress has directed the Federal Communications Commission to generally encourage the larger and more effective use of radio in the public interest (47 USC §303(g)), and

Whereas the Commission has conceded that no detrimental effects of non-ionizing radio frequency radiation have been proven to exist (FCC 96-326 ¶¶3,4), and

Whereas the Commission has stated an interest in minimizing economic impact on "small entities" within the scope of this rulemaking (61 FR 41013),

Now therefore, I submit that the requisite Environmental Assessment mandated by Report and Order in the matter of ET Docket 93-62 places a cumbersome and unnecessary burden on licensed amateur radio operators functioning within the legal and traditional scope of their authorization.

While I submit that most amateur operators likely lack the necessary experience and equipment to expeditiously conduct such an evaluation, it should be noted that the amateur community utilizes long established and well entrenched customs of limiting duration of transmissions, using minimal power levels, and

establishing antenna installations which maximize propagation while inherently limiting unintended exposures.

Further, the Commission has noted that amateur operators usually engage in two-way (half duplex) communications which effectively limit the transmitter duty cycle to approximately 50 percent (FCC 96-326 ¶152). It should be further noted that in many instances, probably the majority of instances, amateur operators engage in multiple operator communications, proportionately reducing the transmitter duty cycle according to the number of participating operators.

Moreover, experience has shown that amateur operators maintain an effective communications network on relevant and developing technology and operating techniques. This is accomplished by the very communications in which such operators engage, and is fueled by sources of information found in amateur service publications, technical journals, and through those amateurs who are active in the communications industry, or are students of relevant curricula. (There are substantial numbers of amateur operators within these two categories.) Anyone truly familiar with amateur radio operations knows that this network of evolving information is most effective indeed in reaching the vast majority of active amateur operators. Thus, those operators most active within the amateur community are those most often receiving updated information.

Then therefore, amateur radio operators should continue their traditional self-policing, free of rigid overly-specific RF radiation parameters, given the utter lack of evidence of detrimental effects thereby. The Commission suggests that the burden imposed by this rulemaking is minimal, since, with rare exceptions, Environmental Assessments are not to be filed with the Commission (61 FR 41013). This logic is errant in that regardless of formal reporting requirements, the burden of

responsibility rests squarely with the amateur licensee (47 CFR §97.13, 61 FR 41019). Nothing therein negates the need to actually conduct burdensome routine assessments on the many fixed station operations above 50 watts PEP, and to conduct them as often as station configurations change or new operating modes are established.

So therefore, I proffer a Motion to Stay the above-captioned Report and Order and to forbear from applying its provisions to the Amateur Radio Service, as it is overly burdensome on some 700,000 small entities nationwide, and as it is too rigid, based on a lack of proof of detrimental effects of radio frequency electromagnetic radiation.

Respectfully submitted,



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DB-GB-005305